

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WEST DIVISION AT CINCINNATI**

TEDDY NICHOLS)	Case No. C-1-02-0045
)	
Plaintiff,)	Judge Beckwith
)	
v.)	
)	
INDIANA MICHIGAN POWER CO.)	
RIVER TRANSPORTATION DIVISION)	
and/or AMERICAN ELECTRIC FUEL)	
SUPPLY, RIVER TRANSPORTATION)	
DIVISION)	

ANSWER OF DEFENDANTS TO SECOND AMENDED COMPLAINT

FIRST DEFENSE

Comes now Defendants, Indiana Michigan Power Co., incorrectly denominated as River Transportation Division and American Electric Fuel Supply, River Transportation Division, and for its Answer to Plaintiff's Second Amended Complaint, state as follows:

1. Defendant denies, for want of knowledge or information sufficient to form a belief, each and every allegation set forth in paragraph 1 of Plaintiff's Second Amended Complaint.
2. Defendant denies, for want of knowledge or information sufficient to form a belief, each and every allegation set forth in paragraph 2 of Plaintiff's Second Amended Complaint.
3. Defendant admits that Plaintiff was employed by Defendant Indiana Michigan Power Company at the time of his alleged injury. Further answering, Defendant denies each and every allegation in paragraph 3 of Plaintiff's Second Amended Complaint.
4. Defendant denies each and every allegation set forth in paragraph 4 of Plaintiff's Second Amended Complaint.
5. Defendant denies each and every allegation set forth in paragraph 5 of Plaintiff's

Second Amended Complaint.

6. Defendant denies each and every allegation set forth in paragraph 6 of Plaintiff's Second Amended Complaint.

7. Defendant denies each and every additional allegation set forth in Plaintiff's Second Amended Complaint save those herein specifically admitted as true.

SECOND DEFENSE

8. Plaintiff's Second Amended Complaint, in whole or in part, fails to state a claim upon which relief may be based.

THIRD DEFENSE

9. Plaintiff's damages, if any, were caused by the negligence of Plaintiff and/or the negligence of some other person or entity for which Defendant is not liable.

FOURTH DEFENSE

10. Plaintiff's damages, if any, were caused by an unforeseeable, superceding and/or intervening cause for which these Defendant is not liable.

FIFTH DEFENSE

11. Plaintiff has failed to mitigate damages.

SIXTH DEFENSE

12. Plaintiff's Second Amended Complaint is barred by lack of personal jurisdiction over Defendant.

SEVENTH DEFENSE

13. Defendant asserts venue is not proper in this Court.

EIGHTH DEFENSE

14. Defendant gives notice that they intend to rely upon each and every affirmative

defense and avoidance available to it and reserves the right to amend this Answer during the course of discovery should additional affirmative defenses become relevant.

WHEREFORE, having fully answered, Defendant prays that Plaintiff's Second Amended Complaint be dismissed and that Plaintiff takes nothing thereby.

Respectfully submitted,

ss/Todd M. Powers
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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing was served upon the following this 11th day of November, 2003:

Gary Wm. Baun, Esq.
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Attorneys for Plaintiff

ss/ Todd M. Powers
Todd M. Powers